

REMARKS

At the time of the Office Action, claims 1-24 were pending. In the Office Action, claims 1-6, 8, 9, 13-15, 17, 19-22, and 24 were rejected. Claims 7, 10-12, 16, 18, 23 were indicated as being allowable, but were objected to as being dependent on a rejected claim.

Please reconsider the application in view of the amendments above and the remarks below.

A. Rejections Under 35 U.S.C. 102(e)

Claims 1-3, 8, 9, 13-15, 17, 19-22, and 24 were rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent 5,941,678 to Saito. Claim 2 is cancelled, rendering the rejection thereof moot.

Claim 1 is amended to include the feature "wherein said material handling mechanism allows for . . . rotational movement of the handling device relative to the rail mounted vehicle." (The other amendments to claim 1 are made to clarify the claim, and are not made to distinguish Saito.) Similarly, claim 6 is amended to include the feature of "rotating the first and second mechanisms relative to the carrier." Claim 15 is amended to include the feature of allowable claim 16, now cancelled.

It is submitted that the new rotational features of claims 1, 6, and 15 patentably distinguish Saito, as indicated by the Examiner's indication of allowability for the original claim 16. Accordingly, allowance of claims 1, 6, and 15, and their respective dependent claims, is requested.

B. Rejections Under 35 U.S.C. 103(a)

Claim 4 was rejected under 35 U.S.C. 103(a) as being obvious over Saito in view of U.S. Patent 5,749,693 to Hanaya. Claim 4 depends on claim 1. It is submitted that the rejection

of claim 4 is overcome by virtue of the amendment of independent claim 1, as discussed above.

C. Allowable Subject Matter Re-presented In New Claims

Claims 7, 10-12, 18, and 23 were indicated as being allowable. These claims are re-presented in independent form as new claims 25-30, respectively. Allowance of claims 25-31 is requested in accordance with the indicated allowability of claims 7, 10-12, 18, and 23.

D. Other New Claims

New claims 31-40 also are added. All of these claims are identical, and are all dependent on one of the claims discussed above. No new matter is added. Support is found, for instance, at page 11, lines 10-24.

Please direct any questions or comments to the undersigned at (408) 451-5906 to expedite prosecution of this case

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as FIRST CLASS MAIL in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 4, 2004

8/4/2004 Rebecca A. Baumann
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